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FACSIMILE SUBMISSION UNDER 37 CFR 1.8

TO:	FROM:
Examiner Fernando Aguel	Darcy L. Grunwald
COMPANY:	DATE:
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	1023-286US01
RE:	APPLICATION SERIAL NUMBER:
Response to Restriction Requirement	10/693,011

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 12 2005

Applicant: Alex C. Toy; John W. Forsberg; Mark E. Schommer; David P. Olson; William C. Phillips; Charles R. Lewis, Jr.

Confirmation No. 9361

Serial No.: 10/693,011

Filed: October 24, 2003 Customer No.: 28863

Examiner: Fernando Aguel

Group Art Unit: 3762

Docket No.: 1023-286US01

Title: CIRCUIT BOARD CONSTRUCTION FOR HANDHELD PROGRAMMER

CERTIFICATE UNDER 37 CFR 1.8 I hereby certify that this correspondence is being transmitted via facsimile to the United States Patent and Trademark Office on August 12, 2005.

By: 
Name: Shirley A. Bellach

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
Alexandria, VA 22313-1450

Dear Sir:

In the Restriction Requirement mailed July 14, 2005, the Examiner required election of one of two patentably distinct species of the claimed invention, as follows:

- I. Claims 1-10 and 21, embodiment 1 of the internal antenna and display device represented by the first circuit board including a ground plane layer.
- II. Claims 11-20 and 22, embodiment 2 of the internal antenna and display device represented by the antenna having a loop-like structure.

Applicants hereby elect Group I (Claims 1-10 and 21) with traverse.

The Examiner seems to have confused a restriction requirement and an election of species. A restriction requirement is made when a single application claims two or more independent and distinct inventions (37 C.F.R. §1.142). An election of species is made when an

application includes a generic claim and claims to more than one patentably distinct species embraced thereby (37 C.F.R. §1.146). In the Office Action, the Examiner has not identified a generic claim as necessary for an election of species. However, the Examiner recognizes that the identified groupings of claims belong to a single claimed invention.

Furthermore, the Examiner's analysis seems to be incorrect. As recognized by the Examiner, both claim 1 of Group I and claim 11 of Group II recite an internal antenna mounted on a first circuit board and a display device mounted on a second circuit board. In addition, Claim 1 of Group I recites the first circuit board including a substantially contiguous ground plane layer interrupted by a plurality of gaps. Dependent claim 12 of Group II also recites a substantially contiguous ground plane layer interrupted by a plurality of gaps.

Claim 11 of Group II recites that the antenna has a loop-like structure and defines a first aperture. Dependent claim 9 of Group I also describes the antenna as comprising a loop-like antenna shape that defines an aperture. Furthermore, claim 11 of Group II recites that the first circuit board includes at least one signal plane with an electrostatic discharge layer defining a second aperture in substantially overlapping alignment with the first aperture. Dependent claim 5 of Group I specifies that the first circuit board includes an electrostatic discharge layer defining a central aperture. In addition, dependent claim 6 of Group I recites that the internal antenna defines an aperture, and the central aperture of the electrostatic discharge layer substantially approximates a size and shape of the aperture of the antenna.

Moreover, the majority of dependent claims in Group I correspond to substantially identical dependent claims in Group II, e.g., dependent claim 2 of Group I and dependent claim 13 of Group II, dependent claim 3 of Group I and dependent claim 14 of Group II, dependent claim 4 of Group I and dependent claim 15 of Group II, dependent claim 6 of Group I and dependent claim 16 of Group II, dependent claim 7 of Group I and dependent claim 17 of Group II, dependent claim 8 of Group I and dependent claim 18 of Group II, dependent claim 10 of Group I and dependent claim 19 of Group II, and dependent claim 21 of Group I and dependent claim 22 of Group II.

Accordingly, claims forming parts of Group I and Group II both refer to an internal antenna mounted on a first circuit board and a display device mounted on a second circuit board, where the antenna has a loop-like structure and defines an aperture, and the first circuit board includes a substantially contiguous ground plane layer. The groups identified by the Examiner

do not define independent and distinct inventions as each of Group I and Group II includes features of the other. For at least these reasons, Applicants respectfully request withdrawal of the Restriction Requirement and examination of all pending claims.

Date:

8/12/05

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